| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0625  Responded to: 12 March 2024 |
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Your recent request for information is replicated below, together with our response.

## Can you please advise was there an approved medical practitioner, AMHP, or registered nurse in attendance at [redacted], who accompanied the police and assessed my son in accordance with Section 298 of the Mental Health (Scotland) Act 2003? Was my son assessed at any time whilst in police custody by an approved medical practitioner, AMHP, or registered nurse?

## There are two questions here and please note I am not asking for any names that could identify a third person. I am not asking for any persons names. I am not seeking to identify any persons identity. Asking whether an approved medical practitioner, AMHP, or registered nurse was in attendance does not constitute a breach of anyone’s privacy?

## I appreciate the answer to the question may not suit police Scotland, however my question is a fair and reasonable one and the only reason I can see Police Scotland would refuse to answer it, is that it proves criminal activity by police officers, which in itself is not a valid reason for refusing to answer my question.

I am refusing to confirm or deny whether the personal information sought exists or is held by Police Scotland in terms of section 18 of the Act. Section 18 applies where the following two conditions are met:

* It would be contrary to the public interest to reveal whether the information is held.  
  Whilst we accept that you may have a particular personal interest in being informed as to whether the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and their expectation of confidence as regards their information.
* If the information was held, it would be exempt from disclosure.

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested *third party* personal data, the disclosure of which would contravene the data protection principles set out in the Act.

**Can you please supply the email address of FOI police Scotland appeals department. This is the third time I have requested this email address?**

This information is provided at the end of all FOI responses.

Internal review requests should be sent to [FOI@Scotland.police.uk](mailto:FOI@Scotland.police.uk)

Appeal requests should be sent to the Office of the Scottish Information Commissioner (OSIC) - [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

An internal review into your recent FOI 24-0520 is currently in progress.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.